

### REMARKS

This Amendment is in response to the Office Action dated March 20, 2006. Claims 3-32 and 41-51 are pending in this application. Claims 14-19 and 27-32 have been withdrawn from consideration in view of an earlier election of species requirement, and claims 1, 2 and 33 - 40 were previously canceled without prejudice. By this Amendment, claims 3 and 41 have been amended to clarify the presently claimed invention. These amendments were not made for the purpose of distinguishing the presently claimed invention over the art of record. Favorable reconsideration of all of the pending claims is respectfully requested in view of the remarks below.

The Examiner has rejected claims 3-13, 20-26, 41-51 under 35 U. S. C. 112, first paragraph as failing to comply with the written description requirement. The Examiner believes that the term "non-woven reinforcing member" recited in the present claims constitutes new matter. Applicants note, however, that the Examiner has acknowledged that the specification lists materials for the reinforcing member which are non-woven materials. Reference is made to page 13, lines 12-15 of the Office Action. Apparently, the Examiner is taking the position that the term "non-woven" somehow constitutes new matter since this actual term does not appear in the specification. However, Applicant is entitled to use appropriate terminology in the claims to define the presently claimed invention provided that there is adequate support for those terms in the specification. The Examiner has acknowledged that there is sufficient support in the specification to support this claim language. Therefore, Applicants submit that there is no basis for the Examiner's position that this claim language constitutes new matter. Applicants respectfully request the Examiner to withdraw the Section 112, first paragraph rejection of the above-identified claims.

The Examiner has rejected claims 3-6, 20, 21, 25, 41, 42 and 44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,944,691 to Querns et al. (the "Querns patent"). Applicants strongly disagree with the Examiner's characterization of the Querns patent. The Querns patent is quite clear that the catheter described therein is capable of being irreversibly expanded from a first diameter to a second diameter. As such, once expanded, the Querns catheter remains permanently expanded. Therefore, the Examiner's position that the Querns patent describes a sheath adapted to expand between a contracted position and expanded position

is incorrect. The catheter of the Querns patent only expands once from a smaller diameter to a larger diameter. Therefore, it is incapable of moving between expanded and contracted positions, as recited in the claims. While Applicants believe that claims 3 and 41 were sufficiently clear, Applicants have amended the claim language of claims 3 and 41 to clarify that the expandable housing portion is movable between the contracted and expanded positions, i.e., the expandable housing can expand and collapse between these positions. Clearly, the catheter described in the Querns patent is incapable of expanding and collapsing between these positions. As such, Applicants respectfully request the Examiner to withdraw the Querns patent as an anticipatory reference.

The Examiner has rejected claims 3-13 and 20-26 and 41-51 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,544,279 to Hopkins et al. (the "Hopkins patent") in view of U.S. Patent No. 6,123,715 to Amplatz (the "Amplatz patent") and U.S. Patent No. 6,517,765 to Kelley (the "Kelley patent"). Applicants again strongly disagree with the Examiner's position that the Amplatz patent and Kelley patent teach the use of reinforcing members for controlling the expandability of a tubular member. The Amplatz patent merely makes reference to the fact that tubular braids have been used to reinforce the wall of a guiding catheter. Guiding catheters are generally designed to be flexible and will revert to a pre-formed shape to help position the catheter in the patient's vasculature. In this regard, the guiding catheter will be inserted into the patient's vasculature in a relative linear configuration and will revert to its pre-formed shape after reaching its target location. This requires flexibility along the length of the guiding catheter, but not radial expandability, since the tubular structure of the guiding catheter is not designed to expand radially. For this reason, tubular braids have been used to reinforce the wall of the guiding catheter since the intertwining braid geometry is designed to inhibit expansion, but allow lateral flexibility.

Applicants respectfully submit that the Examiner's position that the Hawkins patent could be combined with the Amplatz patent to achieve the recited structural arrangement is incorrect. First, the Hawkins patent fails to disclose the use of any reinforcing member with its elastic housing, no less a non-woven reinforcing member. The Amplatz patent only discloses that woven braids have been used to reinforce the walls of a guiding catheter. Therefore, one would not think of using a woven braid with an elastic housing since woven braids are designed to inhibit radial expansion. The housing 594 of the Hawkins patent is designed to radially expand

as it contacts the expander 590. The placement of a woven braid on the housing 594 would simply inhibit the housing 594 from expanding.

The Kelley patent merely teaches that the pitch and/or braid pick counts of the woven fabric and braid can be selected to affect the flexibility of the tubing into which they are formed. Therefore, lateral flexibility can be changed. However, these woven braids or fabric are still designed specifically to prevent the expansion of the tubing since this is the main function of the woven braid or fabric. Therefore, while one can increase or decrease the lateral flexibility of the tubing by varying the pitch or braid count, the woven braid or fabric still prevents the tubing from expanding.

Therefore, the combination of the Hawkins patent with the Amplatz patent or Kelley patent simply works against the desired radial expandability of the housing 594. Therefore, one would simply not combine the teachings of the Amplatz patent, or the Kelley patent, with the Hawkins patent. Applicants' presently claimed invention uses reinforcing members which do not interfere with the expandability and contraction of the housing, yet provide increased column (axial) strength to the housing. This feature is simply not shown in any of the cited references. Applicants respectfully request the Examiner to withdraw all of the obviousness rejections based on the combination of the Hawkins patent with the Amplatz patent or Kelley patent.

The Examiner has rejected claims 7, 8 and 10-13 under 35 U.S.C. § 103(a) as being unpatentable over the Querns patent. Claims 9, 22 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Querns patent in view of the Hawkins patent. As addressed above, the Querns patent fails to disclose the basic structure of the presently claimed invention. In fact, the Querns patent teaches away from the presently defined invention since the Querns catheter is irreversibly expanded from one diameter to a larger diameter. Accordingly, the claims at issue would not have been obvious in view of the Querns patent by itself or in combination with the Hawkins patent. Accordingly, Applicants respectfully request the Examiner to withdraw the obviousness rejections of these claims as well.

In view of the allowance of generic claims, Applicants respectfully request the Examiner to reconsider claims 14-19 and 27-32 which were previously withdrawn in response to an earlier election of species requirement.


In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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